

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 21, 2000**

**DIVISION ONE**

B144047      Francisco S.                              (Certified for Publication)  
                         v.  
                         Superior Court, Los Angeles County  
                         (The People, r.p.i.)

We issue the writ. We remand the case to the juvenile court for it to revoke  
its order imposing juvenile hall confinement time for contempt.

Ortega, Acting P.J.

We concur:    Vogel (Miriam A.), J.  
                         Mallano, J.

B141113      People    (Certified for Publication)  
                         v.  
                         Dallas W.

The order sustaining the petition is reversed.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                         Mallano, J.

## DIVISION ONE (Continued)

B140985      People                      (Not for Publication)  
v.  
Jaime N.

The judgment is affirmed. The clerk is directed to mail a copy of this opinion to the State Bar of California.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Mallano, J.

B118064 Haase et al. (Not for Publication)  
B121287 v.  
Ellenburg Capital Corporation

We affirm the challenged order. The agents are entitled to their costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

B137948      Rodriguez et al.      (Not for Publication)  
v.  
DSL Transportation Service, Inc., et al.

The judgment is affirmed. DSL is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

DIVISION ONE (Continued)

B137324      Plummer III et al.                      (Not for Publication)  
                 v.  
                 Castlegate Holdings, Inc.

The appeal is dismissed. Defendant Castlegate Holdings is to recover its costs on appeal.

Spencer, P.J.

We concur:   Ortega, J.  
                 Mallano, J.

B140970      People    (Not for Publication)  
                 v.  
                 Leon Walter B.

The judgment is reversed.

Spencer, P.J.

We concur:   Ortega, J.  
                 Vogel (Miriam A.), J.

B136261      People    (Not for Publication)  
                 v.  
                 Shabazz

The judgment is affirmed.

Spencer, P.J.

We concur:   Vogel (Miriam A.), J.  
                 Mallano, J.

December 21, 2000-Continued

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B139412 People (Not for Publication)  
v.  
Neider

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

B139219 People v. Grimes (Not for Publication)

---

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

December 21, 2000-Continued

## DIVISION ONE (Continued)

B139028 People (Not for Publication)  
v.  
Placencio

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B134666 People (Not for Publication)  
v.  
Scott

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J. and G. Villanueva, Deputy Clerk.

Each of the following:

B140811 People v. Arellano  
B135273 People v. Bragg  
B138728 People v. Brady  
B131896 People v. Bone  
B139659 People v. Edmondson  
B139688 People v. Brown  
B140602 People v. Espinoza  
B141458 In Re Alexander B.

DIVISION TWO (Continued)

Each of the following (continued):

B137935 People v. Nelson  
B139538 People v. Almazan  
B141031 People v. Alcaraz  
B141119 People v. Kurey  
B137534 People v. Hernandez  
B139390 People v. Gusman  
B140415 People .v Henderson  
B143590 People v. Ash  
B135333 People v. Soto  
B134458 People v. Sanchez  
B140588 People v. Ward  
B132511 People v. Leonard  
B138460 People v. Escobedo  
B141948 People v. Johnson  
B139183 In re Carina & Gabriel V.  
B137838 People v. Freddie R.  
B144556 Richard I. v. S.C.L.A.  
B136585 In re Gladys V.  
B139567 In re Albert A.  
B142076 In re Stephanie P.  
B144428 Audrey S. v. S.C.L.A.  
B139939 People v. White  
B145183 Myles S. v. S.C.L.A.  
B138941 People v. White  
B136308 People v. Jensen  
B140451 People v. Johnson  
B140363 People v. Mejia  
B141188 People v. Jones  
B133559 Randles-Ferry v. Randles  
B136523 People v. Orozco  
B138169 People v. May

Argument waived, cause submitted.

DIVISION TWO (Continued)

B131571     People  
              v.  
              Gary

Merits:

Argued by Margaret Dunk for appellant and by Alene Games, deputy attorney general, for respondent. Cause submitted.

B142803     People  
              v.  
              Norwood

Merits:

Argued by Brent Riggs, deputy district attorney, for appellant and by Alex Ricciardulli, deputy public defender, for respondent. Cause submitted.

B136454     People  
              v.  
              Martin

Merits:

Argued by Edward Hoffman for appellant and by Michelle Paffle, deputy attorney general, for respondent. Cause submitted.

B121737     Hartunian  
              v.  
              Aeroscopic Engineers

Merits:

Argument waived by counsel for appellant and respondent. Cause submitted.

DIVISION TWO (Continued)

B136926     Kim  
               v.  
               Yip

Merits:  
Argued by Carl Greifzu for appellant and by John Gorman for respondent.  
Cause submitted.

B138712     Yepremian  
               v.  
               Kabayan

Merits:  
Argued Edwin Hausmann for appellant and by James Fogelman for  
respondent. Cause submitted.

B138174     Varma  
               v.  
               New Times

Merits:  
Argued by Neville Johnson for appellant and by Theresa Kristovich for  
respondent. Cause submitted.

Boren, P.J. leaves the bench.

B131122     Smiland Paint Company  
               v.  
               South Coast Air Quality  
               California Air Resources Board

Merits:  
Argued by William Smiland for appellant, by Danel Selmi for respondent  
South Coast Air Quality and by Douglas Noble, deputy attorney general,  
for respondent California Air Resources Board. Cause submitted.



DIVISION TWO (Continued)

B137393      Jocelyn R. Harris  
                  v.  
                  Silverton Law Offices

Merits:

Argued by Jocelyn Harris, appellant in propria persona and by Roy Pipkin for respondent. Cause submitted.

Court recessed.

Court reconvened at 12:45 P.M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J. and G. Villanueva, Deputy Clerk.

B134121      People  
                  v.  
                  Tena

Merits:

Argued by Jerald Newton for appellant and by Lauren Dana, deputy attorney general, for respondent. Cause submitted.

B138397      People  
                  v.  
                  Roberson

Merits:

Argued by Jan Norman for appellant and by Zee Rodriguez, deputy attorney general, for respondent. Cause submitted.

B140442      People  
                  v.  
                  Michel

Merits:

Argued by Luis Carrillo for appellant and by Louis Karlin, deputy attorney general, for respondent. Cause submitted.

DIVISION TWO (Continued)

B135732      Guagliano  
                 v.  
                 County of Los Angeles

Merits:  
Argued by J. Gregory Crum for appellant and by Michael Bergfeld for respondent. Cause submitted.

B140681      Green  
                 v.  
                 Board of Retirement of Los Angeles County

Merits:  
Argued by Daniel McCoy for appellant and by Larry Roberts for respondent. Cause submitted.

B134777      Kihm  
                 v.  
                 City of Los Angeles

Merits:  
Argued by Gregory Orland for appellant and by Benjamin Shatz for respondent. Cause submitted.

B134846      Riskin  
                 v.  
                 Reiss

Merits:  
Argued by Ira Riskin appellant in propria persona. Respondent waived oral argument. Cause submitted.

DIVISION TWO (Continued)

B134651     Las Virgenes Educators  
              v.  
              Las Virgenes Unified School District

Merits:  
Argued by Bruce Barsook for appellant and by Rosemary Ward for  
respondent. Cause submitted.

B137061     Network Club International  
              v.  
              Weaver

Merits:  
Argued by Joseph Mudd for appellant and by Lisa Rosenthal for  
respondent. Cause submitted.

Court adjourned.

DIVISION THREE

B143339     Los Angeles County, D.C.F.S.     (Not for Publication)  
              v.  
              Bobby J.

The order is affirmed.

Aldrich, J.

We concur:    Klein, P.J.  
                      Croskey, J.

B137358     County of Los Angeles  
              v.  
              Superior Court, Los Angeles County  
              (Crystal Bryan, et al., r.p.i.)

Filed order granting petition for rehearing. Cause resubmitted.

### DIVISION THREE (Continued)

B137531 People (Not for Publication)  
v.  
Salinas

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B130853 Zurich Insurance Company (Not for Publication)  
v.  
Guess?, Inc.

The summary judgment in favor of Zurich is reversed. The order dismissing Guess' cross-complaint is reversed. The matter is remanded for further proceedings consistent with the views expressed herein. Guess shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Perluss, J., J. (Assigned)

B135447 Imperial Capital, etc. (Not for Publication)  
v.  
W.N. Acquisition Corporation, etc., et al.

The judgment is affirmed in all respects, except that the award of attorney fees and costs is reversed. The matter is remanded to the trial court with directions to enter an award of statutory costs for costs incurred by DRI at trial and on appeal.

Croskey, J.

We concur: Klein, P.J.  
Perluss, J. (Assigned)

DIVISION THREE (Continued)

B131770      Lechuza Villas West                      (Not for Publication)  
v.  
State Lands Commission et al.

The amended judgment of April 21, 1999, is void and of no effect. Those parts of the judgment of February 11, 1999, describing the southern property line as the 90-percentile line (pp.2-3, carryover para.) and declaring Lechuza the prevailing party are stricken, and the judgment is affirmed as modified. The trial court's order of April 19, 1999, determining that there is no prevailing party is vacated. Lands Commission and the state are entitled to costs on appeal against Lechuza. Lechuza and MEHOA are to bear their own costs on appeal.

Croskey, Acting P.J.

We concur:    Kitching, J.  
                 Aldrich, J.

B139673      Richard D'Sa                                      (Certified for Publication)  
v.  
Playhut, Inc., et al.

The summary judgment is reversed and the cause is remanded for further proceedings consistent with the views expressed herein. Costs on appeal to plaintiff.

Croskey, J.

We concur:    Klein, P.J.  
                 Kitching, J.

DIVISION THREE (Continued)

B138287      Petros Petrosyan                      (Not for Publication)  
                 v.  
                 State Board of Equalization

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

B128298      Elyse R. Margolin et al.                      (Certified for Partial Publication)  
                 v.  
                 Joseph Shemaria et al.

The judgment is affirmed. Each party to bear their own costs.

Croskey, J.

We concur:   Klein, P.J.  
                 Kitching, J.

B131005      People    (Not for Publication)  
                 v.  
                 Scott

The judgment is affirmed, except that appellant's sentence is vacated, the true findings as to the allegations that appellant suffered a 1981 robbery conviction in case No. 371596 pursuant to (1) the Three Strikes Law (667, subd. (d)) and (2) section 667, subdivision (a) (1), are reversed, and the matter is remanded for a retrial as to those allegations and for further proceedings not inconsistent with this opinion.

Croskey, J.

We concur:   Klein, P.J.  
                 Kitching, J.

### DIVISION THREE (Continued)

B133997 People (Not for Publication)  
v.  
Park

---

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

[illegible]

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

B137981 People (Not for Publication)  
v.  
Balmares

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

## DIVISION FOUR

B141163      People      (Not for Publication)  
v.  
Carlos Javier Rojas

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B142520      People      (Certified for Partial Publication)  
v.  
Nicholas Y.

For the foregoing reasons, the judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B143941 Northrop Gruman Corporation (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Ruffin, r.p.i.)

Let a peremptory writ of mandate issue directing respondent court to vacate its order of August 21, 2000 striking petitioner's peremptory challenge, and to thereafter enter a new and different order accepting the challenge. The temporary stay imposed by this court on September 21, 2000 shall remain in effect until this opinion becomes final as to this court. The parties are to bear their own costs in connection with this writ proceeding.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.



DIVISION SIX

B141728     People  
              v.  
             Martinez

Filed order granting petition for rehearing.

B141728     People                                 (Not for Publication)  
              v.  
             Martinez

The judgment is affirmed.

Coffee, J.

We concur:   Gilbert, P.J.  
                  Perren, J.

B138391     People                                 (Not for Publication)  
              v.  
             Forbes

The judgment is affirmed.

Yegan, Acting P.J.

We concur:   Coffee, J.  
                  Perren, J.

B137893     People                                 (Not for Publication)  
              v.  
             Sandoval

The judgment is affirmed.

Yegan, J.

We concur:   Gilbert, P.J.  
                  Perren, J.

December 21, 2000-Continued

## DIVISION SIX (Continued)

B140019      Lugo      (Not for Publication)  
v.  
Gourley, Director, etc., et al.

The judgment is affirmed. Respondents are awarded costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

B137969 People  
v.  
Shane Michael S.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment) Gilbert, P.J. would grant rehearing.

B138409 People  
v  
Ranger Insurance Company

Filed order dismissing appeal.

B139735 Mad Dog Enterprises etc., et al. (Not for Publication)  
v.  
Board of Supervisors for the County of Ventura et al.

The judgment is affirmed. County is awarded costs on appeal.

Yegan, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

December 21, 2000-Continued

## DIVISION SIX (Continued)

B136080      People                                  (Not for Publication)  
v.  
Robertson et al.

The judgments are affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Coffee, J.

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

B137700 People (Not for Publication)  
v.  
Vasquez

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

December 21, 2000-Continued

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Perren, J.

We concur:   Yegan, Acting P.J.  
                     Coffee, J.